

AMENDED IN ASSEMBLY MARCH 27, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 626

Introduced by Assembly Member Liu

February 19, 2003

An act to add *Section 39800.5 to the Education Code, and to add Section 10326.1 to the Public Contract Code, relating to state motor vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 626, as amended, Liu. State vehicles: 15-passenger vans.

Existing law authorizes *a governing board of a school district to purchase or lease vehicles to provide transportation of pupils to and from school. Existing law also authorizes the Department of General Services or a state agency, as authorized by the Department of General Service Services*, to contract with suppliers to acquire goods and services for state agencies.

This bill makes legislative findings that 15-passenger vans are unsafe and declare the intent of the Legislature that all *school districts and all state agencies* should be prohibited from acquiring 15-passenger vans.

This bill would prohibit ~~a school districts and state agency agencies~~ from acquiring a 15-passenger van and would further require, *beginning on and after January 1, 2005*, that those *school districts and state agencies* that already own a 15-passenger van *on January 1, 2004*, limit the operation of those vehicles to persons *issued an endorsement for the operation of those vehicles and* holding a driver's license or certificate of the appropriate class.

The California Constitution authorizes the Regents of the University of California to enter into public contracts.

This bill ~~recommends~~ *would provide* that the *Legislature recommends that the* Regents of the University of California adopt rules and regulations ~~that would prohibit the acquisition of 15-passenger vans and to provide that 15-passenger vans already owned by the Regents of the University may only be operated by a person holding a commercial driver's license imposing upon the university the requirements contained in the bill.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares that the
2 National Transportation Safety Board has recently issued findings
3 that 15-passenger vans, because of their design, have an
4 inordinately high incidence of ~~accidents~~ *rollover crashes*.

5 (b) It is the intent of the Legislature that all *school districts and*
6 *all* state agencies and departments, including California
7 Community Colleges and the California State University, should
8 be prohibited from purchasing or leasing 15-passenger vans and
9 that ~~state entities~~ *all school districts and all state agencies* that
10 currently own 15-passenger vans require that those vehicles may
11 only be driven by a person holding a commercial driver's license.

12 SEC. 2. *Section 39800.5 is added to the Education Code, to*
13 *read:*

14 39800.5. (a) *Notwithstanding any other provision of law, no*
15 *school district may purchase, lease, or otherwise acquire a*
16 *15-passenger van.*

17 (b) *Any school district that, on January 1, 2004, owns, leases,*
18 *or otherwise has possession or control of a 15-passenger van, may*
19 *not, on or after January 1, 2005, authorize the operation of that*
20 *van unless the person driving or otherwise operating that van has*
21 *both of the following:*

22 (1) *A valid driver's license or certificate of the appropriate*
23 *class, as provided in Division 6 (commencing with Section 12500)*
24 *of the Vehicle Code, issued by the Department of Motor Vehicles.*

25 (2) *An endorsement for operating a passenger transportation*
26 *vehicle, as provided in Article 6 (commencing with Section 15275)*

1 of Chapter 7 of Division 6 of the Vehicle Code, issued by the
2 Department of Motor Vehicles.

3 (c) For purposes of this section, a “15-passenger van” means
4 any van manufactured to accommodate 15 passengers, including
5 the driver, regardless of whether that van has been altered to
6 accommodate fewer than 15 passengers or to serve as a cargo van.

7 SEC. 3. Section 10326.1 is added to the Public Contract Code,
8 to read:

9 10326.1. (a) Notwithstanding any other provision of law, no
10 state agency or instrumentality of the state, including the
11 California Community Colleges and the California State
12 University, may purchase, lease, or otherwise acquire a
13 15-passenger van.

14 (b) Any state agency or instrumentality of the state, including
15 the California Community Colleges and the California State
16 University, that, on January 1, 2004, owns, leases, or otherwise
17 has possession or control of a 15-passenger van, may not, on or
18 after January 1, 2005, authorize the operation of that van unless
19 the person driving or otherwise operating that van has a both of the
20 following:

21 (1) A valid driver’s license or certificate of the appropriate
22 class, as provided in Division 6 (commencing with Section 12500)
23 of the Vehicle Code, issued by the Department of Motor Vehicles.

24 ~~(e)~~

25 (2) An endorsement for operating a passenger transportation
26 vehicle, as provided in Article 6 (commencing with Section 15275)
27 of Chapter 7 of Division 6 of the Vehicle Code, issued by the
28 Department of Motor Vehicles.

29 (c) For purposes of this section, a “15-passenger van” means
30 any van manufactured to accommodate 15 passengers, including
31 the driver, regardless of whether that van has been altered to
32 accommodate fewer than 15 passengers or to serve as a cargo van.

33 (d) The Legislature recommends that the Regents of the
34 University of California adopt rules and regulations similar to the
35 provisions contained in this section.